



August 3, 2016

VIA OVERNIGHT & ELECTRONIC MAIL ([mwickham@counsel.lacounty.gov](mailto:mwickham@counsel.lacounty.gov))

Mary C. Wickham, County Counsel  
County of Los Angeles  
648 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012-2713

Dear Ms. Wickham:

On May 5, 2016, Wounded Warrior Project, Inc. ("WWP") received a letter from the Business License Commission for the County of Los Angeles ("Commission"), dated April 29, 2016, alleging unauthorized charitable solicitation in the County of Los Angeles. WWP maintains its registration to solicit charitable contributions with the California Attorney General's Office. WWP was unaware of any additional local requirements to register with the County of Los Angeles, California. Upon receipt of the above-referenced letter, which provided WWP with first notice of such requirement, WWP timely responded and sought to immediately comply with County registration requirements.

As the above-referenced letter stated, to comply with the County of Los Angeles' registration requirements, WWP must file an application and appear in person before the Commission for approval to solicit within the unincorporated portions of Los Angeles County. On May 19, 2016, WWP overnighted the completed application and required supplemental documentation for the Commission's review and consideration. Since that time, WWP has: 1) attended in-person an initial first-time applicant hearing on June 29, 2016; 2) provided additional information and supplemental documentation in response to the Commission's first request for additional information at and after the initial hearing; and 3) attended via teleconference a continuance hearing on July 27, 2016. WWP has further successfully registered with the City of Los Angeles, California. That registration was accomplished expeditiously and without any issues. The City registration was previously provided to the Commission.

A representative of WWP traveled all the way from Jacksonville, Florida to Los Angeles County, California to comply with the mandatory physical appearance requirement at the first hearing. WWP subsequently provided all additional information and supplemental documentation requested at and after that initial hearing. At the continuance hearing on July 27, 2016, the Commission posed a second request for additional information, due August 3, 2016.

WWP continues to maintain the full intent and desire to comply with the Commission's requirements, and to ensure that the Commission's pending requests are addressed, thereby

allowing completion and approval of WWP's pending application. Accordingly, attached hereto is WWP's response to the Commission's second request for additional information. We believe that WWP has complied with all of the legal requirements for obtaining an approved registration from the County of Los Angeles.

Notwithstanding, the Commission's requests for additional information and, more importantly, the Commission's act of conditioning its grant or denial of a local permit to solicit charitable contributions on such additional information, which is not required by statute, ordinance, or rule, constitutes a prior restraint on fully protected speech in violation of the First Amendment to the United States Constitution. Charitable speech is fully protected speech under the First Amendment to the United States Constitution. *See Riley v. National Federation of the Blind*, 487 U.S. 781, 801 (1988), *Secretary of Maryland v. Joseph H. Munson Co.*, 467 U.S. 947 (1984), and *Schaumburg v. Citizens for Better Environment*, 444 U.S. 620 (1980), and *Illinois ex. rel. Madigan v. Telemarketing Assocs.*, 538 U.S. 600, 624 (2003). The United States Supreme Court has affirmed on three separate occasions that the First Amendment to the United States Constitution affords heightened protection to charitable solicitations. *Id.* Restrictions on such solicitation activity, therefore, enjoy strict scrutiny. *Id.*

Prior restraints on such protected speech comes before the court with "a heavy presumption against its constitutional validity." *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 70 (1963); *Near v. Minnesota*, 283 U.S. 697, 714 (1931); *see also NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 460-61 (U.S. 1958) (quoting *Thomas v. Collins*, 323 U.S. 516 (1945)). Constitutional due process requires that an ordinance provide procedural safeguards for governmental review of an application such as the one in question, including a prescribed time period for a decision. *Freedman v. Maryland*, 380 U.S. 51, 58-59 (U.S. 1965). "To this end, the exhibitor must be assured, by statute or authoritative judicial construction, that the censor will, within a specified brief period, either issue a license or go to court to restrain showing the film." *Id.*

The unreasonable delay in approving WWP's application at issue here operates as a prior restraint on the freedom of speech because it actually forbids protected speech before the communication is to occur (i.e., preventing the speech from occurring due to unreasonable delay in granting the license). *See id.*, *CBS v. Davis*, 510 U.S. 1315, 1317 (1994); *Alexander v. United States*, 509 U.S. 544, 550 (1993); *Near*, 283 U.S. at 716 (1931). WWP advocates views on important health, benefits, housing, education and other social and political issues facing our veterans community every day. This is the speech the Commission restrains, even if inadvertently.

At this time, the Commission has scheduled another continuance hearing for August 10, 2016 at 9:00 a.m. We, as legal counsel for WWP, remain significantly concerned by any added timeline to issue approval of the registration. WWP has provided more information than the County is authorized to compel by statute, ordinance, or applicable rule. WWP has fully complied with the Commission's requests and provided ample additional information and supplemental documentation in an effort to cooperate. WWP has expended significant time and resources in complying with these requests despite their lack of statutory or regulatory support, clearly resulting in a violation of WWP's constitutional rights to engage in its fully protected speech activities.

WWP now respectfully requests that the Commission grant its application to engage in fully protected charitable solicitations in the County of Los Angeles, California, as the State of California and the City of Los Angeles have so granted. In addition, WWP respectfully requests

August 3, 2016

Page 3 of 3

that the Commission grant its application prior to August 10, 2016 and, accordingly, cancel the telephonic hearing scheduled for 9:00 a.m. on the same day.

If there are any questions regarding the attached, please do not hesitate to contact me directly.

Regards,

A handwritten signature in black ink, appearing to read 'Greg Lam', with a stylized, cursive script.

Greg Lam  
Copilevitz & Canter, LLC

Attachments

cc: County of Los Angeles Business License Commission ([BLC@bos.lacounty.gov](mailto:BLC@bos.lacounty.gov))  
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